UNITED STATES PATENT AND TRADEMARK OFFICE

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09/966,223	09/28/2001	James B. Kargman	P06,0189-02	5896

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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

EXAMINER
WINTER, JOHN M

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 March 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Acknowledgements

1.   The Applicants appeal brief amendment filed on March 28,2008 is hereby

acknowledged, Claims 1-39 remain pending.

2.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Movalli et al

(U.S. PG Pub No. 2005/0004876 A1) ("Movalli") in view of Walker et al (U.S. PG Pub No.

2003/0149632 A1) ("Walker") and further in view of Teper et al. (U.S. Patent

5,815,665)("Teper").

5.   As per claim 1, 18, Movalli teaches a method of electronically executing a commercial

transaction between a customer and a vendor, the method comprising transmitting electronically

a transaction code from the customer to an electronic order processing system associated with the

vendor; authenticating the transaction code; identifying a commercial transaction associated with

the transaction code; and executing the identified commercial transaction (see figs 4, 5,

paragraphs 0046-0051).

6.   Movalli fails to teach transaction between a remotely located customer and a vendor.

However, Walker teaches transaction between a remotely located customer and a vendor (seefig

1, pps 0044, 0045). Therefore it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Movalli's disclosure to include Walker's transaction

between a remotely located customer and a vendor because this would have enhance the

flexibility of the transaction system; furthermore the combination of these elements does not

alter their respective functions, and the combination would have yielded predictable results to

one of ordinary skill in the art at the time of the invention..

Movalli fails to teach the claimed feature of receiving the transaction code by the order

processing system associated with the vendor; identifying the user based upon the contents of the

transaction code. Teper teaches receiving the transaction code by the order processing system

associated with the vendor; identifying the user based upon the contents of the transaction code.

(around column 8, line 55, data stored by the Online broker site includes at least "unique ID and

billing history, it is obvious that items in a database would share a common key, customer ID in

the present case). Therefore it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Movalli et al's disclosure to include Teper teaching of

authentication process because this would allow an anonymous user to be securely authenticated

without compromising the users identity; furthermore the combination of these elements does not

alter their respective functions, and the combination would have yielded predictable results to

one of ordinary skill in the art at the time of the invention.

7.   As per claim 2 and 20, Movalli teaches a method where the transaction code is comprised

of a telephone dialing sequence, and applying the transaction code dial sequence to a line

associated with a public switched telephone network (see figs 1).

8.   As per claim 3 and 21, Movalli teaches a method in which the transaction code is

comprised of a Universal Resource Locator, and the transaction code is transmitted via the

Internet (see fig 1, 2, 3).

9.   As per claim 4, 19 Movalli teaches a method of transmitting a transaction code that has

been previously stored within digital memory associated with a wireless telephone via a wireless

communications network (see fig 1).

10.   As per claim 5, Movalli teaches a method Of identifying the contents of a user

identification data field within the transaction code; locating the user identification data field

contents within a database accessible by the order processing system (see paragraphs 0046-

0051).

11.   As per claim 6, Movalli teaches a method ofidentifying the contents of a security code

field within the transaction code; determining that the received transaction code is authentic

when the contents of the security code field correspond to a previously-configured security code

associated with the contents of the user identification data field, which previously-configured

security code is stored within a database accessible by the order processing system (see

paragraphs 0046-0051).

12.   As per claim 7, Movalli teaches a method of identifying a decryption key associated

with the contents of the user identification data field; decrypting at least a portion of the

transaction code using the identified decryption key; determining whether the decrypted portion

of the transaction code is valid (see paragraphs 0046-0051).

13.   As per claim 8, Movalli teaches a method of identifying a decryption key based upon the

identity of the user; decrypting at least a portion of the transaction code using the decryption key

(see paragraphs 0054).

14.   As per claim 9, Movalli teaches a method of determining the contents of a transaction

identification field within the transaction code; locating the contents of the transaction

identification field within a database accessible by the order processing system; identifying the

nature of the commercial transaction based upon information within the database associated with

the contents of the transaction identification field(see paragraphs 0046-0051).

15.   As per claim 10, Movalli teaches a method of determining the contents of atransaction

identification field within the transaction code; identifying the nature of the commercial

transaction based upon information within the transaction identification field (see paragraphs

0046-0051)

16.   As per claim 11, Movalli teaches a method of locating a record within a database

associated with the order processing system based upon the identity of the user; retrieving details

of the commercial transaction from the database record associated with the user (see paragraphs

0046-0051).

17.   As per claim 12, Movalli teaches a method maintained within a point of sale computer

system operated by the vendor (see fig 1, 2).

18.   As per claim 13, Movalli teaches a method of entering the identified commercial

transaction into a point of sale computer system operated by the vendor (see fig 1).

19.   Claims 14-39 are in parallel with claims 1-13 and are rejected for at least the same

reasons, since claims 14-39 disclose the same invention as claims 1-13 the examiner submits that

a restriction is not proper at this time.

Response to Arguments

20.   Applicant's arguments, with respect to the rejection(s) of claim(s) 1-39 have been fully

considered.

The Examiner states that the term "transaction code" is construed as information relating

to a transaction, This is supported by the Applicants specification , page 4 line 25 "some

transaction codes may include full information describing the desired transaction within the

code.". Teper discloses accessing a database of billing history (i.e. order processing system

associated with the vendor) via unique customer ID, identifying the user based upon the contents

of the transaction code)

The Applicant states that lacking any teaching with regard to the handling of a transaction

code, one of ordinary skill in the art would not turn to the teaching of Teper in order to

find the elements that are missing from Movalli and Walker.

The Examiner responds that in response to Applicant's argument that there is no suggestion to

combine the references, the Examiner recognizes that references cannot be arbitrarily combined

and that there must be some reason why one skilled in the art would be motivated to make the

proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607

(CCPA 1975). However, there is no requirement that a motivation to make the modification be

expressly articulated. The test for combining references is what the combination of disclosures

taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ

209 (CCPA 1971). references are evaluated by what they suggest to one versed in the art, rather

than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. In this case the

prior art cited deals with the generalized problem of conducting electronic transactions..

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

21.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JOHN M. WINTER whose telephone number is (571)272-6713.

The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

22.   If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

23.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMW

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621